

Stipulation of Dismissal - 851 and 315

Plaintiff Adaptix Inc. (“Adaptix”) and Defendants Alcatel-Lucent USA, Inc. (“Alcatel”), Cellco Partnership d/b/a Verizon Wireless (“Verizon”), AT&T Mobility LLC (“AT&T”), and Sprint Spectrum LLC (“Sprint”) (collectively the “Defendants”) filed a Stipulation and Agreed Motion To Dismiss Claims and Counterclaims Regarding U.S. Patent Nos. 7,072,315 and 7,573,851.

The parties stipulated to dismissal with prejudice of any and all claims that any manufacture, sale, offer for sale, use, importation, or exportation of any Alcatel hardware implementation for Alcatel’s: 9100 Multistandard Base Station; 9412 eNodeB Compact; 9460 Pico (a/k/a/ 9426 Pico); 9926 Distributed Base Station; 9442 Remote Radio Head; lightRadio 9711 Indoor Base Station for LTE; lightRadio 9712 Outdoor Base Station for LTE; and 9760 Small Cells—including the 9764 Metro Cell Outdoor LTE and 9768 Metro Radio Outdoor base stations) that includes Alcatel source code versions LA5, LA6, and LR 13.1 or any future computer code – but only to the extent any such computer code is not colorably distinct from computer code, testimony, and documentation provided to Adaptix to date – directly infringe, indirectly infringe, contribute to infringement of, or induce infringement of any claim of U.S. Patent 7,072,315 (the ‘315 Patent) or U.S. Patent 7,573,851 (the ‘851 Patent), literally or under the doctrine of equivalents (“Dismissed Claims”). The parties also stipulated that, only to the extent they relate to the Dismissed Claims, Defendants’ counterclaims seeking declaratory judgment of non-infringement and invalidity are dismissed as moot, without prejudice (“Dismissed Counterclaims”). Defendants’ counterclaims to any remaining claims asserted by Adaptix are unaffected by this Stipulation.


In light of the parties’ stipulation, the Court expressly determines that there is no just reason for delay.

In accordance with the parties' stipulation, Rule 41, and Rule 54(b), the Agreed Motion is GRANTED and it is ORDERED AND ADJUDGED that:

1. The Dismissed Claims are dismissed with prejudice. Only to the extent they relate to the Dismissed Claims, Defendants' counterclaims seeking declaratory judgment of non-infringement and invalidity are dismissed without prejudice as moot; Defendants' counterclaims to any remaining claims asserted by Adaptix are unaffected by this Order. The Court directs entry of final judgment as to the Dismissed Claims.
2. As between Adaptix and Defendants, each side agrees to bear its own costs, expenses, and attorneys' fees related to the Dismissed Claims and/or the Dismissed Counterclaims.

It is SO ORDERED.

SIGNED this 21st day of October, 2014.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE